

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

THERMAPURE, INC,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	
)	JURY TRIAL DEMANDED
)	
J.C. RESTORATION, INC.)	
)	
Defendants.)	

COMPLAINT

Plaintiff, Thermapure, Inc. ("Thermapure") complains of J.C. Restoration, Inc. ("J.C. Restoration") as follows:

NATURE OF THE SUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

PARTIES

2. Thermapure is a California corporation with an office at 180 Canada Larga Road, Ventura, California 93001. Thermapure and its licensees are in the business of using heat in homes and commercial buildings to remove mold, viruses, bacteria and insects. Thermapure's patented and propriety processes also are used in construction dryout and in removing toxic chemicals such as formaldehyde and Volatile Organic Compounds ("VOCs").

3. Thermapure owns all right, title, interest in and has standing to sue for the infringement of United States Patent No. 6,327,812 entitled "Method Of Killing Organisms And Removal Of Toxins In Enclosures" which issued on December 11, 2001 ("the '812 Patent").

4. J.C. Restoration is an Illinois corporation with a principal place of business at 3200 Squibb Avenue, Rolling Meadows, IL 60008.

JURISDICTION AND VENUE

5. This Court has exclusive jurisdiction over the subject matter of this case under 28 U.S.C. § 1338(a).

6. Defendant is subject to personal jurisdiction in this Court, and venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b). Defendant is subject to personal jurisdiction in this Court, and defendant transacts business in this district, at least by offering to sell or selling infringing heat technology remediation services to Illinois customers in this judicial district and through Internet websites that are designed to reach Illinois customers and are, in fact, used by customers in this judicial district.

PATENT INFRINGEMENT

7. Defendant has directly and/or indirectly infringed at least claims 4, 6 and 8 of the '812 patent by using, selling, and/or offering to sell heat technology remediation services, for mold or otherwise, which include all elements of such claims.

8. Defendant has knowledge of the '812 patent, and despite such knowledge, has continued to infringe willfully and deliberately in violation of 35 U.S.C. § 284.

9. Defendant's infringement has injured Thermapure and Thermapure is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Thermapure, Inc., respectfully requests this Court enter judgment against J.C. Restoration and against its subsidiaries, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Thermapure;
- B. An award of damages adequate to compensate Thermapure for the infringement that has occurred (together with prejudgment interest from the date the infringement began), but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284;
- C. An award to Thermapure of all remedies available under 35 U.S.C. §§ 284 and 285;
- D. A permanent injunction prohibiting further infringement, inducement of infringement and/or contributory infringement of the '812 patent; and,
- E. Such other relief that Thermapure is entitled to under law and any other relief that this Court or a jury may deem just and proper.

JURY DEMAND

Thermapure demands a trial by jury on all issues presented in this complaint.

THERMAPURE, INC.

/s/ Paul K. Vickrey
Paul K. Vickrey
Patrick F. Solon
Tahiti Arsulowicz
Daniel Ferri
Niro, Haller & Niro
181 West Madison, Suite 4600
Chicago, Illinois 60602-4515
(312) 236-0733
Fax: (312) 236-3137